



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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**Committee against Torture
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Summary record of the 1464th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 9 November 2016, at 10 a.m.

Chair: Mr. Modvig

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Seventh periodic report of Finland (CAT/C/FIN/7; CAT/C/FIN/QPR/7)

1. *At the invitation of the Chair, the delegation of Finland took places at the Committee table.*
2. **Ms. Oinonen** (Finland) said that in January 2016 her Government had introduced an absolute prohibition on the use of evidence obtained through torture. The prohibition applied to both civil and criminal matters, regardless of whether or not any public official had been involved in the use of torture.
3. In response to the tenfold increase in applications for asylum in Finland during 2015, the Government had opened an additional 180 reception centres, including a registration centre at the border with Sweden, and had assigned an extra 425 staff to the handling of asylum issues. Finland had accepted 752 asylum seekers from Greece and Italy under the relocation mechanism. A nationwide programme, the Paloma project, had been launched to address the mental health needs of refugees and asylum seekers.
4. The Finnish parliament was considering a proposal to require foreign nationals applying for international protection to stay in a specified reception centre and to report there one to four times a day. The requirement, which was intended as an administrative alternative to detention, would also be applied to unaccompanied children aged 15 or over who were subject to an enforceable removal order.
5. The Ministry of Justice intended to submit two proposals to parliament before the end of 2016. The first proposal concerned the introduction of an intensified travel ban and house arrest as alternatives to pretrial detention. Persons subject to either measure would be monitored electronically. House arrest would be imposed only in cases where defendants were charged with an offence carrying a penalty of less than 2 years' imprisonment. The second proposal was aimed at reducing the number of persons held in pretrial detention in police facilities. The maximum permitted duration of pretrial detention in police facilities would be shortened from 30 days to 7 days, unless exceptional circumstances existed. The Criminal Sanctions Agency would gradually increase its capacity to accommodate pretrial detainees over a number of years.
6. In April 2016, Finland had adopted a National Action Plan for the Prevention of Violent Radicalization and Extremism, which included measures intended to prevent hate speech and hate crime. The Government was considering the possibility of amending the Assembly Act to lengthen the minimum period required by the police for the advance notification of a public meeting. A proposal to criminalize travel for the purpose of committing a terrorist offence was before parliament. Finland had signed the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism, and was taking an active part in the negotiations on the proposed directive of the European Parliament and the Council of the European Union on combating terrorism.
7. The implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) was under way following the Convention's entry into force in Finland in August 2015. The Government had allocated 11.3 million euros for the provision of shelters for victims and intended to increase that amount by 2 million euros annually until 2019. Work was also in progress on the establishment of a helpline and sexual violence crisis centres. In October 2016, the Government had adopted a national action plan against trafficking in human beings for 2016-2017.

8. **Ms. Racu** (Country Rapporteur) said that she wished to commend the State party on having put its seventh periodic report to a public hearing before submission. The Committee welcomed the State party's ratification of a number of international instruments, including the Optional Protocol to the Convention against Torture, during the reporting period.

9. With regard to articles 1 and 4 of the Convention, the Committee wished to reiterate its request for examples of cases in which the provisions of the Convention had been invoked before or by the courts. The offence of torture remained subject to a statute of limitations in the State party; did the Government intend to amend its legislation in that regard?

10. Noting with concern that delays in notifying detainees' family members and legal representatives of their arrest remained widespread in the State party, she wished to know which official was responsible for deciding to delay notification of arrest.

11. The Committee had received information that access to health care in police custody was not systematic or routine. The delegation should provide details of the steps which had been taken to ensure that all detainees, including in particular persons in pretrial detention in police facilities, underwent medical screening within 24 hours of their arrival in detention. Specific information would be appreciated on the situation in the police detention facilities in Espoo, Imatra, Kuopio, Lahti and Vantaa.

12. The Committee would like to hear from the delegation on whether the audio and video recording of interrogations remained at the discretion of the investigator, and on whether interview rooms for juveniles were equipped with the necessary audio and video equipment.

13. Noting the large number of complaints relating to surveillance and emergency activities carried out by police officers, she would like the delegation to provide more detailed statistics on complaints relating to the use of force and the use of means of restraint, including restraint beds and electroshock devices, by police officers, in particular in detoxification centres. The delegation should also provide information about administrative investigations and the outcome of disciplinary proceedings against police officers during the reporting period.

14. While the Committee welcomed the State party's ratification of the Istanbul Convention, it was concerned about reports that its key provisions had not yet been implemented. Noting the prevalence of domestic and sexual violence in the State party, she wished to know how many centres existed nationwide to provide support for the victims of such violence, and whether sufficient staff and resources were available to care for them. The Committee would appreciate statistical data, disaggregated by age and ethnicity, on the number of complaints, investigations, prosecutions, convictions and sentences in cases of violence against women, including domestic violence and spousal abuse, during the reporting period. It would also be helpful to receive an update on the outcomes of the Action Plan for the Reduction of Disciplinary Violence against Children for 2010-2015. The Committee also invited the delegation to comment on paragraph 89 of the State party's report concerning the high correlation between alcohol or drug use and cases of domestic abuse.

15. With regard to non-refoulement, the State party had reportedly not amended its legislation and practices in line with the recommendations contained in the Committee's concluding observations on the State party's previous periodic report (CAT/C/FIN/CO/5-6). In that respect, the Government had taken various restrictive measures in response to the large increase in the number of asylum seekers in 2015. She wished to know whether the Office of the Non-Discrimination Ombudsman had already begun monitoring the enforcement of removal orders, and whether it monitored compliance with article 3 of the

Convention and the recommendations contained in the Committee's concluding observations on the previous periodic report.

16. More information on the interim measures provided for under sections 118-120 of the Aliens Act would be welcome. What criteria were used to determine whether interim measures should be applied and to how many persons had they been applied during the reporting period? Also, she would appreciate an update on the status of the draft amendment to the Aliens Act of 15 April 2016.

17. The Committee had various concerns regarding the detention of asylum seekers and migrants. In that connection, more information on conditions of detention at border-guard detention facilities and measures taken to ensure that asylum seekers enjoyed all procedural guarantees, including the right of appeal and access to legal assistance and interpreters, would be appreciated. What steps had been taken to ensure that asylum seekers who had been subjected to torture were identified and received appropriate treatment? What was the capacity of the detention unit that had recently been opened at Joutseno reception centre?

18. She asked what steps had been taken to develop mechanisms to enable the collection of reliable data on persons detained under the Aliens Act. As to aliens, irregular migrants and asylum seekers who had been placed in police facilities during the reporting period, the Committee would be grateful for statistics disaggregated by age, gender, ethnicity, frequency of detention and average length of detention. In addition, the delegation should indicate whether the State party had, for any reason, rejected any request by another State for the extradition of individuals suspected of having committed the offence of torture and, if so, whether any such individuals had been prosecuted.

19. Many remand prisoners were not able to take daily outdoor exercise, participate in activities of any kind, access libraries or watch television. In that connection, she wished to know what activities had been developed for such prisoners and what steps had been taken to increase their participation in outdoor exercise. In paragraph 203 of the periodic report (CAT/C/FIN/7), it was stated that cases of detainees spending more than four weeks in police facilities were "exceptions". She would be grateful for more information on the nature of those "exceptions" and whether they were provided for under existing legislation. In addition, she wished to know what measures had been taken to end the practice of holding remand prisoners in police facilities. Lastly, the Committee would appreciate an update on the activities of the working group established by the Ministry of Justice to draft proposals on alternatives to remand imprisonment.

20. **Ms. Pradhan-Malla** (Country Rapporteur) said that she wished to know whether the various bodies responsible for evaluating the provision of training and education for officials were independent, whether immigration officers received training in preventing torture and protecting victims, and what steps had been taken to ensure that all health-care professionals involved in the detection of signs of torture and ill-treatment received adequate training in line with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). The State party was to be congratulated on the fact that no allegations of physical mistreatment had been made against prison officers, and the Committee wished to learn more about its best practices. Furthermore, information on the steps taken to develop a methodology for the evaluation of training and educational programmes would be welcome, as would any available information on its impact and effectiveness. She asked how many training sessions had been conducted for professionals who worked with persons in custody, how many such professionals had participated in those sessions and what their content had been. Did all professionals who worked with persons in custody undergo training at the Criminal Sanctions Training Centre?

21. The national preventive mechanism was not fully in line with the Guidelines on national preventive mechanisms because its mandate had been entrusted to the Office of the Parliamentary Ombudsman. The activities of the national preventive mechanism and those of the Parliamentary Ombudsman were not clearly separate, the national preventive mechanism did not have its own budget, and the budget made available to the Parliamentary Ombudsman had not been increased to take account of the establishment of the mechanism. Had any steps been taken to improve links with academia, civil society organizations and experts? Did the national preventive mechanism have a comprehensive strategy to prevent reprisals in line with the Analytical self-assessment tool for National Prevention Mechanisms (NPM) (CAT/OP/1) and, if so, how was it implemented?

22. Additional information on the decreased use and centralization of police detention would be welcome. She wished to know whether plans had been developed to separate the functions of investigation and detention and whether intoxicated persons were taken to detoxification centres or to police stations. Could the delegation comment on reports that restraint beds remained in use? The Committee would also be interested to hear the delegation's thoughts on the external appointment mechanism provided for under the Act on the Treatment of Persons in Police Custody. Statistics on the number of persons held at border-guard, customs and Defence Forces detention facilities, disaggregated by gender, ethnicity and age, would be welcome, as would information on any plans to improve conditions of detention at such facilities.

23. With regard to overcrowding, she asked what arrangements had been made to accommodate the recent influx of asylum seekers. Had they been made aware of their legal situation and informed of the grounds on which they were being detained? It would be helpful to know what measures had been taken to address the reported problem of overcrowding in immigration detention facilities. Furthermore, the delegation should explain and comment on the fact, pursuant to a recent amendment of section 128 of the Aliens Act, a detained alien could have his or her case reviewed only on request. Was competent legal aid provided in the early stages of the asylum process?

24. She asked whether a person could be deprived of his or her liberty on the basis of an intellectual disability, how many health-care facilities were used as places of custody and how the prohibition of "institutional power" under the Mental Health Act was enforced. What measures had been taken to ensure that mentally disabled patients had access to legal remedies? Had the Government formulated a clear policy on the matter? In the light of the European Court of Human Rights judgment in the *X v. Finland (2012)* case, she wished to know whether the appropriate preventive measures had been taken.

25. She asked whether women in custody had access to special facilities and a complaint mechanism. More information on the provision of adequate funding for rehabilitation centres would be welcome. Had a mechanism been put in place to ensure that all victims of torture had access to the necessary treatment and rehabilitation, including reparation? It would be useful if the delegation could clarify whether evidence obtained through ill-treatment was excluded under chapter 17 (25) (1) of the Code of Judicial Procedure, which excluded evidence obtained through torture, and comment on the provisions of section 25 (3) of that Code. Furthermore, she wished to know whether any measures had been taken to prevent suicide among persons in custody, whether any additional cases of the excessive use of force on the part of public officials had been reported and, if so, whether any public officials had been prosecuted. If the Parliamentary Ombudsman had made recommendations in that regard, she would be interested to hear information from the delegation.

26. In the light of recent criticism of the Finnish Immigration Service for deportations of asylum seekers to countries in which their safety would be compromised, she wished to know what measures had been taken to improve the processing of asylum claims. She asked

how many persons had been prosecuted for the offence of aggravated trafficking in persons, how many had been convicted and what reparation had been awarded to victims. With regard to the reflection and recovery period for victims of trafficking, it would be helpful to know whether the Aliens Act was consistent with article 13 of the Council of Europe Convention on Action against Trafficking in Human Beings. Had police and border officers been issued with clear instructions on the need to grant an unconditional reflection and recovery period? She would appreciate an update on the plan to introduce a set of instructions on refugee claims relating to female genital mutilation, which would improve the evaluation of such claims during asylum interviews.

27. She would be grateful if the delegation could comment on the statistics made available to the Committee on the high rates of self-harm and suicide among transsexual persons. What measures had been taken to lower those rates? In addition, it would be helpful to know what measures had been taken to develop a legal gender recognition procedure based on self-determination. With regard to intersex children, she asked what initiatives had been taken to review treatment practices and put an end to harmful and unnecessary normalization surgery.

28. **Mr. Bruni**, thanking the State party for the timely submission of its report, said that penalties for torture and the applicability of a statute of limitations to charges of torture should be determined on the basis of the gravity of the offence, rather than the context in which it was committed. In his view, aggravated torture should carry a maximum penalty of life imprisonment. He would appreciate a response from the delegation in that regard.

29. Turning to paragraph 18 of the report, he noted that giving investigators discretion to decide whether or not to allow the audio or video recording of interrogations could leave the door open for abuse. With reference to paragraph 146 of the report, he asked whether approval had been given to the proposal, in the draft budget of the Parliamentary Ombudsman for 2016, to fund the establishment of a post with responsibility for the tasks of the national preventive mechanism. With regard to detention conditions, he wished to know what progress had been made in renovating parts of Helsinki prison and whether there were plans to install toilets in all cells in Hämeenlinna prison.

30. He asked whether it was true that remand prisoners could be held in police custody for a maximum of seven days and, if so, whether police cells had been adapted for that purpose. The delegation should comment on the fact that the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment had described the cells as completely inadequate and had called for a stop to the practice of keeping remand detainees in police facilities.

31. **Ms. Belmir**, commending the State party for the positive developments during the period under review, asked why responsibility for the prison health service had been transferred from the Ministry of Justice to the Ministry of Social Affairs and Health, and what had been the consequences.

32. It would be interesting to know under what circumstances the use of force was justified in police facilities and whether conditions had improved in the Metsälä detention unit since 2014. Information on the situation and treatment of inmates in maximum security prisons would also be welcome.

33. The delegation should state whether it was true that unaccompanied children aged between the ages of 15 and 17 could be detained for up to 72 hours under the Aliens Act and that the period of detention could be extended by 72 hours for exceptional reasons.

34. She wished to know whether the Government intended to implement the recommendations concerning involuntary psychiatric hospitalization and treatment

contained in paragraph 11 of the Committee's concluding observations on the combined fifth and sixth periodic reports of Finland (CAT/C/FIN/CO/5-6).

35. Lastly, she invited the delegation to respond to reports that some migrant women faced deportation despite being victims of trafficking, that women with disabilities were especially vulnerable to sexual violence and had encountered difficulties in accessing health care and legal services, and that Roma and Sami women, particularly those who were in custody, did not enjoy equal rights in practice.

36. **Mr. Zhang** said that he would be grateful to receive additional information on the training provided during the reporting period to public officials and medical personnel who came into contact with persons in custody. He wished to know how many training courses had been organized, what they had involved, what textbooks had been used and to what extent the Convention had been taken into account. He would also appreciate a more detailed response to the requests made in paragraph 12 of the list of issues (CAT/C/FIN/QPR/7), including a comprehensive description of the work carried out by the Finnish Education Evaluation Centre.

37. **Mr. Hani**, noting that, under international law, torture was considered to be a crime against humanity to which no statutory limitations could be applied, said that the State party should amend its legislation to ensure that acts amounting to torture were not subject to any such limitations.

38. He wished to know how many refused asylum seekers had been returned to their country of origin or sent to a third country and what steps had been taken to ensure full respect for the principle of non-refoulement.

39. While recognizing the role played by the State party in hosting refugees, including those fleeing the Syrian civil war, and the positive measures announced in the government action plan on asylum policy to expedite the asylum process, he noted with concern the statement in the plan that, on the basis of its commitments, the Russian Federation was considered to be a safe country of asylum and that manifestly unfounded applications that came from the Russian Federation and elsewhere would be processed in an accelerated procedure. Such an approach threatened to undermine the right of asylum seekers to have their case reviewed on an individual basis and could lead to arbitrary action. In that connection, it would be useful to hear what guarantees the State party had been given that persons returned to Afghanistan, Iraq or Somalia would not be subjected to torture or other ill-treatment.

40. Noting that appeals against negative asylum decisions rendered by administrative courts in the State party did not have suspensive effect, he asked what guarantees were in place to ensure that the right of appeal was enforceable and effective in practice.

41. With reference to paragraph 91 of the State party's report, he asked why no comprehensive statistics were available on the number of foreign nationals detained in police facilities, whether the delegation was in a position to provide any figures in that regard and what measures were planned to improve the collection of data on foreign detainees.

42. The Parliamentary Ombudsman, who performed the functions of a national preventive mechanism, stated in an alternative report submitted to the Committee that facilities in police prisons made them unsuitable for long-term residence. With that in mind, he wished to know the average length of detention in police prisons and what steps had been taken to implement the Ombudsman's recommendation to explore alternatives to police custody.

43. He asked what was being done to ensure that minors were separated from adults in prison, in accordance with the best interests of the child. The delegation should also

indicate for how long prisoners were physically restrained while being transported and describe the steps that would be taken to implement the Ombudsman's recommendations in that regard.

44. He would welcome statistics on the number of cases of forced sterilization in the State party and an explanation of the measures that were envisaged to end the practice, including by removing the requirement of sterilization for the purposes of legal gender recognition.

45. Noting the laudable efforts that had been made by the State party to rehabilitate torture victims, he invited the Government to share best practices in that regard and to contribute to the United Nations Voluntary Fund for Victims of Torture.

46. **The Chair** said that he would like to know whether the mental health screening mentioned by the delegation included identification of torture victims and, if so, whether the refugees identified as such received specialized treatment. With regard to the transfer of the prison health service, he wished to know whether the doctors themselves were being transferred, and if not, how the State party would ensure that the service was staffed by doctors with appropriate qualifications and skills, including the ability to identify torture victims. He would also like to know how many doctors attended to the prison population and whether they were available round the clock.

The meeting was suspended at 12.05 p.m. and resumed at 12.20 p.m.

47. **Ms. Oinonen** (Finland) said that the Government collected data based on nationality, language, country of birth and, in some cases, parents' country of origin. The processing of sensitive data, including data on race or ethnic origin, was prohibited under the Personal Data Act, except for the purposes of historical, scientific or statistical research. Since the census was based on registers, the Government was unfortunately unable to produce statistics on ethnic groups.

48. **Ms. Iles** (Finland) said, with regard to the use of force by public officials, that under the Constitution tasks involving the significant exercise of public powers, such as the use of restrictive measures, could be delegated only to public authorities, and civil servants were responsible for the lawfulness of their actions. Anyone whose rights were violated by a public official had the right to request that the perpetrator be sentenced to punishment and held liable for damages.

49. The Government was in the process of setting up a 24/7 helpline for victims of violence, including female victims; it would be operational by the end of the year. In 2016, it had allocated 11.3 million euros for 19 shelters with 118 family places. It was aware that the number of shelters remained insufficient and aimed to address that problem by increasing the shelter budget by 2 million euros per year between 2017 and 2019. The National Institute for Health and Welfare had set up a pilot crisis centre for victims of sexual violence, with the long-term aim of establishing such a centre in each province. Violence against women and intimate partner violence were among the six priorities that had been identified in the gender equality plan of May 2016. The Government aimed to integrate services for victims of violence into social and health-care services, and also to create a unified service chain for victims, including acute and long-term medical and psychological support. The National Institute for Health and Welfare had published national guidelines for district hospitals on how to create such a chain, which would combine both public and third-sector services and ensure access to legal aid.

50. An external evaluation of the Government's National Action Plan to Reduce Violence against Women for the period 2010-2015 had shown that many measures had been implemented under the plan, which had been an effective means of promoting multisectoral action, but that budget constraints had affected the implementation of some

measures and much work remained to be done. Coordination of the future action plan would start in early 2017 and be led by a standing committee financed by the Ministry of Social Affairs and Health and composed of representatives of various ministries. The committee would work actively with NGOs. Great attention was paid in the health-care sector to the issue of domestic violence, especially the importance of early detection and intervention. Pregnant women were required to undergo a medical examination to detect signs of domestic violence in order to obtain a maternity grant.

51. Paediatric endocrinologists had recently begun to focus on providing adequate information to parents of intersex children and emphasizing the right to self-determination. There had been a downward trend in corrective and cosmetic surgery. In November 2016, the Ministry of Social Affairs and Health had issued a guide for public health nurses in maternity and child welfare clinics on the practical implementation of gender equality principles; it covered topics such as gender diversity, including intersex persons. With regard to the recent statements of the National Advisory Board on Social Welfare and Health Care Ethics and the Ombudsman for Children, discussions were continuing on strengthening the right to self-determination of intersex children.

52. The Act on Equality between Women and Men had been amended in January 2015 to expand the prohibition of gender-based discrimination to include all cases of discrimination on the basis of gender identity and expression, and not only those involving persons who had undergone or who intended to undergo gender reassignment surgery. The mandate of the Ombudsman for Equality had been expanded to cover monitoring of discrimination and the range of remedies available had been increased. There was now an obligation for authorities, educational establishments and employers to take pre-emptive action against all discrimination based on gender identity and expression. The Ministry of Social Affairs and Health had published information leaflets on that issue for the entities concerned.

53. **Ms. Mohell** (Finland), referring to the two new alternatives to remand imprisonment, said that a person under an intensive travel ban who violated the imposed obligations would be arrested, remanded or given a written warning. The court would deduct the time spent under alternative measures from the prison sentence, which would help to reduce the prison population. In 2015, remand prisoners had totalled approximately 700 and remand time amounted to 3.6 months. The holding of remand prisoners in police facilities was due to a lack of prison capacity. Reducing the maximum length of police detention to seven days would halve the number of remand prisoners in police facilities.

54. **Mr. Martikainen** (Finland) said that under chapter 4 (8) of the Imprisonment Act, prisoners under 18 years of age must be kept separate from adult prisoners unless such an arrangement was not in their best interests. The very small number of minors in prisons — the daily average in 2015 had been eight — meant that it was difficult to separate them completely from adult prisoners, because Finnish legislation also required that they be placed in a prison close to their family. That requirement would not be fulfilled if they were grouped in a single small unit. The Criminal Sanctions Agency was preparing new guidelines on minors in prisons, which would cover issues such as activities, sentence planning and release, with a view to addressing their needs in terms of education, rehabilitation and social integration more effectively.

55. **Ms. Mohell** (Finland) said that there were currently 118 cells without toilet facilities, of which 73 were in Helsinki prison and 45 in Hämeenlinna prison. The renovation of Helsinki prison to remove those cells would be completed in early 2017. Hämeenlinna prison was being entirely rebuilt and would be ready for use in 2019, at which point there would be no more cells without toilet facilities in Finland. Under the amended Imprisonment Act, all prisoners must have access to toilet facilities without delay at all times; the practice of “slopping out” therefore no longer existed.

56. **Mr. Huhtamäki** (Finland) said that a meeting had been convened in October 2015 between the chief of the Police Department and local police chiefs to discuss obligations regarding the rights of detainees, including the protection of privacy during discussions with lawyers and in toilets. With regard to the renovation of police prisons, 8 had been renovated, 4 were under construction, 7 were in the planning phase and 17 projects had not yet been started. At the request of the Parliamentary Ombudsman, the National Police Board was preparing a report on the use of restraint beds, which were used in only one police prison. Discussions were under way to find an alternative solution to the detention of intoxicated persons in police facilities. In response to a request from the Parliamentary Ombudsman in August 2016, the National Police Board had instructed local police forces to submit reports on the use of electroshock devices by mid-November. It would decide what measures to take on the basis of those reports.

57. **Ms. Oinonen** (Finland) said that the Government was currently drafting a second action plan on human rights and fundamental rights for the period 2017-2019, which should be adopted in early 2017. It covered four main themes: human rights education and training, non-discrimination, self-determination, and fundamental rights and digitization. All the projects under that plan had measurable indicators for monitoring and evaluation. The concluding observations of the treaty bodies, including those of the Committee, had served as a valuable tool in the drafting of that plan.

The meeting rose at 1 p.m.